

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

IN RE:

2:25-cv-00828-RSL

Gary Rosenthal

WAW internal appeal No. 25-S005

Debtor.

Gary Rosenthal,

DECLARATION OF GARY
ROSENTHAL IN SUPPORT OF
EMERGENCY MOTION FOR STAY
PENDING APPEAL

Plaintiff,

v.

NewRez, LLC, d/b/a Shellpoint Mortgage
Services, LLC, Buda Hill, LLC, and Eastside
Funding, LLC,

Defendants.

DECLARATION OF GARY ROSENTHAL
IN SUPPORT OF EMERGENCY MOTION
FOR STAY PENDING APPEAL

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3 I, Gary Rosenthal, declare as follows:

4 1. I am over 18 years of age and competent to testify. I am the owner and resident
5 of the property located at 20228 23rd Place NW, Shoreline, Washington, where I have lived
6 continuously for over 15 years. This home has served as the center of my family life and as a
7 place of care for my aging parents.

8 2. In 2016, both of my elderly parents moved in with me due to declining health,
9 and I became their full-time caregiver. This role consumed much of my time, energy, and
10 resources.

11 3. My father passed away in 2019, and my mother—who had helped contribute to
12 household expenses, including the mortgage—passed away in 2023. Their deaths caused
13 profound emotional distress and left me without the financial support they had provided, which
14 significantly contributed to my inability to stay current on my mortgage.

15 4. At the time, I was also facing personal financial instability. The COVID-19
16 pandemic derailed my marine science career, and probate delays hindered my access to funds
17 from my mother's estate. I lacked a cell phone, internet access, or a working computer. I lived
18 in emotional isolation, without the tools to respond to mail or legal notices.

19 5. At the time of the foreclosure, I did not understand that I still owned my home or
20 that I had any remaining legal rights after the auction. I genuinely believed that once the
21 foreclosure process started, I had no interest in the property unless I bought the loan current. I
22 did not even know a lawyer could assist me. Had I understood these rights earlier, I would have
23 acted to protect them.

24 6. My misunderstanding was compounded by the fact that I was in deep grief
25 following my mother's recent death and struggling to access funds from her estate. I did not
26 have a cell phone, computer, or reliable internet access, and I was trying to manage the
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1 emotional and practical fallout on my own. It was only after my sister explained that
2 bankruptcy might offer a legal avenue that I took immediate steps to seek counsel and preserve
3 my rights.

4 7. I was overwhelmed by grief and confusion following my mother's death and was
5 not in a position to meaningfully respond to the foreclosure process. At the time, I lacked a
6 phone, internet access, and anyone to guide me.

7 8. The Trustee's auction of my home took place on September 20, 2024, and I filed
8 for Chapter 13 bankruptcy on September 24, 2024, at 2:56 p.m. approximately one hour after
9 the trustee mailed the trustee's deed to the purchaser.

10 9. Since my bankruptcy filing, I have secured conditional approval for a reverse
11 mortgage, which would allow me to pay off any outstanding mortgage obligations and retain
12 ownership of my home if I am allowed to remain.

13 10. I have also become eligible for Social Security in the amount of \$2,100 a month
14 and received a lump sum from an inherited IRA, and quarterly disbursements of \$2,600 from
15 another inherited IRA that will last another four and a half years.

16 11. I continue to maintain property insurance on my home and have paid the April
17 property taxes and will continue to do so for the duration of this appeal. Since the bankruptcy
18 filing, I have also obtained a senior tax exemption from the county, which lowers my financial
19 burden.

20 12. Since this lawsuit was filed, I have posted a \$43,000 bond using funds from an
21 inherited IRA that became available to me after my bankruptcy filing, in order to support the
22 preliminary injunction. However, I have limited additional resources available to increase that
23 amount with further cash, and I continue to pay monthly Chapter 13 plan payments of \$1,310
24 into the bankruptcy court.

25 13. I have also diligently pursued financing options and consulted with multiple
26 bond providers, but was unable to obtain a traditional supersedeas bond. Due to my bankruptcy
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1 status and the absence of a fixed damages award, most surety companies declined to issue a
2 bond. Due to my bankruptcy status and the absence of a fixed damages award, most surety
3 companies declined to issue a bond. I therefore respectfully request that the currently funded
4 cash bond for the preliminary injunction be extended and applied to the pending appeal.

5 14. This home is my only residence, and I have no backup plan if I lose it. I
6 respectfully ask the Court to stay the effect of the foreclosure judgment while my appeal
7 proceeds, as losing this property would cause irreparable harm and moot the legal issues I am
8 pursuing in good faith.

9 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED
10 STATES AND THE STATE OF WASHINGTON IN THAT THE FOREGOING IS TRUE
11 AND CORRECT

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13 Executed this 7th day of May 2025, in Shoreline, Washington.

14 /s/ Gary Rosenthal
15 Gary Rosenthal
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